APPENDIX.

Revised Statute, §4915 (35 U. S. C., §63).

Whenever a patent on application is refused by the Board of Appeals or whenever any applicant is dissatisfied with the decision of the board of interference examiners, the applicant, unless appeal has been taken to the United States Court of Customs and Patent Appeals, and such appeal is pending or has been decided, in which case no action may be brought under this section, may have remedy by bill in equity, if filed within six months after such refusal or decision; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the commissioner to issue such patent on the applicant filing in the Patent Office a copy of the adjudication and otherwise complying with the requirements of law. In all cases where there is no opposing party a copy of the bill shall be served on the commissioner; and all the expenses of the proceedings shall be paid by the applicant, whether the final decision is in his favor or not. In all suits brought hereunder where there are adverse parties the record in the Patent Office shall be admitted in whole or in part, on motion of either party, subject to such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court may impose, without prejudice, however, to the right of the parties to take further testimony. The testimony and exhibits, or parts thereof, of the record in the Patent Office when admitted shall have the same force and effect as if originally taken and produced in the suit. R. S., §4915; February 9, 1893, c. 74,

§9, 27 Stat. 436; March 2, 1927, c. 273, §11, 44 Stat. 1336; March 2, 1929, c. 488, §2(b), 45 Stat. 1476; August 5, 1939, c. 451, §4, 53 Stat. 1212.

NOTE: The amendment of August 5, 1939, c. 451, substituted the words "Board of Appeals" for "Commissioner of Patents" and inserted "or whenever any applicant is dissatisfied with the decision of the board of interference examiners" in the first sentence. The interference between the parties herein was declared prior to October 5, 1939 when this amendment took effect. 35 U. S. C. A., §63.